

**California Department of Transportation  
Native American Advisory Committee  
Quarterly Meeting Minutes  
November 3, 2004**

Chairman Joseph Myers called the meeting to order at 9:10am

**Blessing:** Committee member Joe Loya led the Blessing.

**Welcome and Introductions:** Chairman Myers welcomed everyone to the meeting. Introductions were made after the Roll Call.

**Roll Call:** Committee members in attendance were Jim McGinnis alternate for Janice McGinnis, Joseph Garcia Sr., Garth Sunberg, Joe Loya, Jerry Paressa alternate for Chairman Deron Marquez, Joseph Myers, Dave Nenna, Patricia Ockert, Lorenda Sanchez, Ben Scerato, and Kathy Wallace.

Director's Representatives in attendance were Joan Sollenberger Division Chief, Division of Transportation Planning, Sharon Scherzinger, Office Chief of the Office of Regional and Interagency Planning and Cynthia Gomez, Office Chief of the Native American Liaison Branch.

**Others in attendance:** Chip Aguilar, Reservation Transportation Authority; Jo Sanford, NATP; Newell Mann, Federal Indians of Graton Rancheria; Kathleen McClaflin, Department of Transportation (DOT) District 10; Jane Perez, DOT District 10; Mario Orso, DOT District 11; Lee Bigwater, CA/NV – TTAP; Tina Biorn, DOT Headquarters; Blesilda Gebreyesus, DOT District 4; Michael Rogers, Chairman for the Bishop Paiute Tribe; Greg King, DOT Headquarters; Kathleen Sartorius, DOT North Region; Bob Sparrow, Bureau of Indian Affairs (BIA); Curtis Grinwell, BIA; Leroy Gishi, BIA; Beth Wensorn, BIA; Juan Mancias, Scotts Valley Pomo; Barbara Cross, Department of Water Resources; Michael DeSpain, Greenville Rancheria; Carolyn Yee, DOT District 10; Jake Smith, DOT Headquarters; Dee Berry DOT Headquarters; Dan Mundy, DOT Headquarters, Hygi Waetermans, Cahto Tribe; and Donna Begay, Kern Valley Indian Community

**Adopt Agenda:** The agenda was approved.

**Approve Minutes:** The minutes were reviewed; no action was taken to adopt them.

**OLD BUSINESS:**

**Nominations – NAAC Committee Members**

The deadline for Committee members to nominate members for the NAAC has passed and is currently in the process of being reviewed by Joan Sollenberger and Brian Smith to be submitted to the Director. Member Scerato questioned the method in which people are chosen for nomination and what types of backgrounds and qualifications they have.

Chip Aguilar stated that the Reservation Transportation Authority nominated him after the deadline. He submitted the nomination form on November 2, 2004 and would like to be considered. Member Scerato believes that he is qualified and should be considered. Cynthia shared with the Committee that there were also other nominations that were submitted after the deadline. There are nine seats open, seven are existing members. Chairman Myers suggested that all nominations submitted after the deadline be considered and to request biographies from each one.

The NAAC agreed that there should be careful consideration as to who is selected to serve on the Committee. Chairman Myers, Member Scerato and Member Loya will review the nominations.

Member Loya also stated California receives national recognition without providing direction. The NAAC members should be communicating with each other and with their tribes. There should be accomplishments coming out of the NAAC. Chairman Myers stated that there are results coming from the NAAC such as the efforts to establish Tribal Transportation Authorities (RTAs) in Central and Northern California.

#### **Scheduling NAAC Meetings for Next Year**

Members discussed scheduling meetings for 2005. Cynthia provided a calendar that showed which dates were available. NAAC members chose the following tentative schedule for the 2005 meetings to be held at the Woodland Training Center from 9am to 3pm (final schedule based on room availability):

- January 5, 2005
- April 6, 2005
- July 13, 2005
- October 5, 2005

#### **Discussion on Structure of the NAAC Subcommittees**

Chairman Myers asked the Committee if the Subcommittees should continue. It appeared that the Subcommittees were becoming primarily Caltrans staff with little or no representation from the NAAC. This posed the question as to who is making decisions and in what direction the Subcommittees are going. If the Committee chooses to keep the Subcommittees NAAC members should attend the meetings.

Cynthia shared with the Committee that the Subcommittees resulted from several environmental issues arising at once and the Subcommittee developed to address those specific concerns. Joan questioned if there are still several environmental issues. If there are not, they can probably be handled by the NAAC.

The NAAC agreed to keep the subcommittees, however, on the condition that there is NAAC representation and shall be reviewed again at a later date.

Motion by Chairman Myers to keep the NAAC subcommittees, closely monitor with direct NAAC oversight. Members Loya, Scerato and Ockert to attend the Environmental Subcommittee; Member Ockert to co-chair the Landscape Subcommittee; and Members Scerato, Loya, Ockert and Sanchez to compose the Legislative Subcommittee; seconded by Member Garcia. Vote was 12 Yes, 0 Against.

### **Bishop Highway Bypass**

Member Rogers raised the issue of a highway pass in the Bishop region, which he believes will cause adverse economic, social, and safety impacts. Joan Sollenberger advised Member Rogers that it is a District 9 responsibility to consult with the Tribe regarding the bypass project.

### **Legislative Subcommittee Report**

No report. Members attempted to have a teleconference. The NAAC agreed that the Committee could not rely on Congress to educate them on legislation.

Cynthia informed the NAAC that SB 18 and SB 1189 passed. Both will be effective January 2005.

### **Highway Landscaping Subcommittee Report**

Member Wallace informed the NAAC that the Subcommittee is working to compile a packet to assist Tribes and Caltrans on how to select plants, how to use native plants and where to find native plants. Packet will included contact information to allow proper communication between gatherers and Caltrans. The Subcommittee would also like to include a Tribal map, resource list, endangered species list, deter over gathering and safety and consultation issues. There may be a draft for the NAAC to review at the second meeting in 2005. Member Wallace also announced that there is a working session scheduled for January 25, 2005 from 10am to 3pm at the Woodland Facility.

### **CA/NV Tribal Technical Assistance Program (TTAP)**

Lee Bigwater provided the NAAC a list of trainings offered in California and Nevada related to transportation. Mr. Bigwater encouraged the members to attend. He also expressed interest in attending the Landscape Subcommittee meetings.

Member Ockert expressed to Mr. Bigwater that it would be appreciated if Evan Hong also attend the NAAC meetings. She also questioned if there will be more trainings offered in southern California and if TTAP has considered conducting a survey to determine California's needs.

Member Loya asked Mr. Bigwater what five Tribes serve as advisers? Mr. Bigwater informed the NAAC that there is no tribal representation and Mr. Hong stated that there

was no interest expressed from the Tribes. Cynthia suggested that someone from the NAAC be appointed.

Chip Aguilar asked if TTAP was searching for training sites – Member Loya and Member Ockert informed Mr. Bigwater that there are plenty of sites available in southern California. Chairman Myers said that the next training to be held at the Hoopa Rancheria is far from a lot of the tribes and that the TTAP should consider more strategic locations for training.

## **NEW BUSINESS:**

### **Report on the Indian Reservation Road Program Final Rule**

Leroy Gishi from the BIA presented information on the IRR Final Rule, which amends 25 CFR 170. The effective date is November 13, 2005. He expressed interest in returning to do a more detailed presentation. The Committee requested he return at the next NAAC meeting in January, he agreed to do so.

### **Presentation by District 11**

Mario Orso, Caltrans District 11, made a presentation to the NAAC explaining how the District is involved with Tribal issues. District 11 covers San Diego and Imperial counties. There are 18 tribes with 17 tribal governments. The District 11 Native American Liaison Branch is responsible for TERO and government-to-government consultation. District 11 is currently working on TERO near reservations to let contractors know about Tribal businesses, however, further consultation with the Tribes is needed. District 11 is also working to develop GIS Mapping for Tribal Transportation needs survey. There is a grant for corridor analysis on State Route (SR) 76. The information gathered from these efforts will be used to present to San Diego Association of Governments (SANDAG), and FHWA to demonstrate the needs in the area for further planning and programming. The information may help to get projects into SANDAG's Regional Transportation Plan (RTP).

### **Scotts Valley Band of Pomo Issue**

Juan Mancias, Administer, Scotts Valley Rancheria addressed the NAAC to assist with resolving a major issue regarding the Highway 29 and Soda Bay (Clear Lake area) safety project. The Tribe owns 34 acres, which is planned for commercial and residential use. Mr. Mancias expressed his concerns on behalf of the Tribe as well as the residents of the surrounding community. Mr. Mancias mentioned that the existing road needs improvement and unless Caltrans agrees to install a traffic light to the proposed project, the safety at the intersection will not improve. He mentioned that neither the tribe nor the community was notified of the project until August. Caltrans notified the tribe and community in August as part of a public notice process; at the public notice meeting the residence were told by Caltrans staff that they are at the meeting to give information only, and the project is well on it's way for construction and there will be no changes to the

plan. Through the NAAC the tribe wanted to get the District to hear the community's concerns. The tribe is in the process of arranging a meeting with the District for November 17, 2004; however, the date has not been conformed by the District.

Mr. Rogers of Bishop Tribe expressed similar issues in his region, where he felt that Caltrans should be more community sensitive. Joan Sollenberger stated that Caltrans has a Context Sensitive Solutions Policy where the Department intends to be more sensitive to community's needs and concerns.

### **Division of Mass Transportation**

Jake Smith from Caltrans Division of Mass Transportation presented to the NAAC transit related trainings available free of charge. He also solicited input regarding trainings that the NAAC would be interested in as well as recommended locations for training. Mr. Smith extended an invitation to the NAAC if they would be interested in attending the Transportation Development Act (TDA) Working Group, which is held in Sacramento three to four times per year. If anyone is interested they can contact Mr. Smith for more information.

Dan Mundy from Caltrans Division of Mass Transportation presented the Transit Funding Program and Procurement to the NAAC. Although some Tribes have utilized the Program it is not well known.

### **Native American Indian Day Celebration**

Donna Begay gave a slide presentation of the Native American Indian Day Celebration held in September 2004. She mentioned there were 32 exhibitors from local, state, federal and tribal agencies. She gave an overview of the goals for the 2005 Indian Day celebration. She feels that Tribal leaders should take the lead on organizing the event around February or March 2005 rather than the State. She thanked the Caltrans Native American Liaison Branch for organizing it this year event. She also expressed interest to be involved with next year's event.

### **Consultation Resource Booklet**

Chairman Myers informed the NAAC that the Consultation Resource Booklet has been completed by NIJC, and is being reviewed for final revisions with the Native American Liaison Branch.

### **Feasibility Study**

Chairman Myers discussed the feasibility study to determine if there is enough interest to create additional RTAs in central or northern California. Eventually a final report will be developed.

### **Announcement**

Donna Begay and Chairman Myers both attended the grand opening of the Smithsonian Museum in Washington D.C. in September. They both felt that it was a good experience and a prideful event. However, the museum is subject to the rules and regulations of the Smithsonian.

**Adjournment** Meeting adjourned at 3:08pm